

STAT

Declassified in Part - Sanitized Copy Approved for Release 2013/08/05 :
CIA-RDP89-00066R000700100001-6

Page Denied

Declassified in Part - Sanitized Copy Approved for Release 2013/08/05 :
CIA-RDP89-00066R000700100001-6

SEP 18 1985

MEMORANDUM FOR: Deputy Chief, Legislative Division,
Office of Legislative Liaison

FROM: Robert W. Magee
Director of Personnel

SUBJECT: Justice Department proposed report on H.R. 1710,
a bill to remove maximum hiring ages and
mandatory retirement ages for federal employees
not covered by the Age Discrimination
Act/Comments for OMB

REFERENCE: Memo to Multiple Addressees from DC/LD/OLL,
dtd 11 Sept 85, Same Subject
(OLL 85-2567/1)

1. Following are the comments you requested concerning the subject draft, so that you may respond to the Office of Management and Budget (OMB) request for the Agency's views regarding that draft.

2. The U. S. Department of Justice draft letter states that the Department strongly opposes passage of H.R. 1710 because if enacted it would effectively repeal P.L. 93-350 which provides for the establishment of a maximum hiring age and early retirement of Federal law enforcement officers, in order to ensure that individuals in those occupations would be young and vigorous. For these reasons, the Department recommends retention of its' present hiring and retirement authorities and opposes enactment of H.R. 1710.

3. We fully support Justice's position. Further, we strongly object to Section 11 of H.R. 1710 which would eliminate the discretionary authority to mandate early retirement vested in the DCI by Section 235 of Central Intelligence Retirement Act of 1964, as amended. It also should be pointed out that the DCI recently was granted statutory authority to fix a maximum age limit for original appointments to operational positions and has exercised that authority to set a maximum age of 35 for Career

STATOP/EBS/ [redacted]
Distribution:
Original - Addressee
STAT 1 - PAGE [redacted]
2 - DD/EBS [redacted]
1 - D/OP [redacted]

SUBJECT: Justice Department Proposed Report on H.R. 1710

Trainee appointments from outside the Agency. We would resist any legislative initiative which would jeopardize this authority or action.

4. In establishing the CIA Retirement and Disability System (CIARDS) and in subsequent legislation Congress has always recognized and reaffirmed that "Agency requirements demand that (its CIARDS) careerists be composed of younger and more vigorous officers than generally required in government service" (H.R. pt. 763 to accompany H.R. 8427). It was further affirmed that for "employees engaged in conducting and supporting intelligence activities abroad, it has been the experience of the Agency that because of the conditions of service, not all of these employees can anticipate serving the period of time required in order to retire under the civil service retirement provisions. A special retirement system is therefore needed in order for some of these employees to retire at an earlier age and with a less severe financial penalty than the present civil service system imposes." CIARDS effectively meets two objectives: (1) It minimizes the adverse effect of early retirement on the individuals for whom the Agency is unable to provide full term careers; and (2) it serves as a management tool for attracting high caliber personnel to meet the specialized needs of this program. CIARDS thus offers a more liberal basis for retirement for those who will be separated before completing a normal full career of at least 30 years of service. (See Senate Report 1589 to accompany H.R. 8427)

5. The reasons for establishing CIARDS are even stronger today than they were at the time of enactment. The stresses and strains of the operational environment require a high degree of vigor, vitality, endurance, resilience and adaptability. In addition, the constant exposure to terrorist groups and hostile forces of CIA operatives overseas over extended periods of time quickly limits their usefulness and compromises their ability to meet their intelligence goals. Burnout is a reality and experience has shown that many officers or members of their families will in time incur medical problems which limit or preclude their further assignment overseas. Further, the dynamic nature of intelligence work produces sudden and sometimes radical shifts in the types of personnel required and in their deployment. The early retirement provisions of CIARDS allows these employees to exit at a more opportune time in their careers and provides room for new, younger individuals. It is vitally important that the original intent of Congress be preserved by

SUBJECT: Justice Department Proposed Report on H.R. 1710

the maintenance of the DCI's ability to minimize the adverse effect of early retirement on those individuals, as well as maintaining the ability to attract high caliber personnel to meet the specialized needs of the Agency.

Robert W. Magee

Robert W. Magee